

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv524**

KIMBERLY NEELEY,

Plaintiff,

Vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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JUDGMENT

THIS MATTER having come before the court on the plaintiff's Motion for Summary Judgment (#9); the defendant's Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) (#10); the defendant's Amended Motion for Entry of Final Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant (#13); and on the Recommendation of the Honorable David S. Cayer, United States Magistrate Judge, regarding the disposition of those motions, as discussed in the Order filed simultaneously herewith,

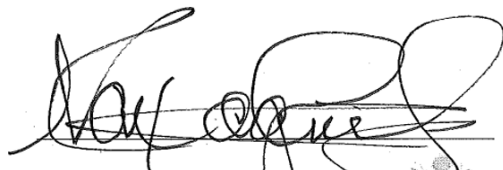
IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that

- (1) in accordance with Judge Cayer's recommendation, the plaintiff's Motion for Summary Judgment (#9) and the defendant's Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g)

(#10) are both denied as MOOT. Also in accordance with Judge Cayer's Recommendation, and for the reasons stated therein, the defendant's Amended Motion for Entry of Final Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant (#13) is GRANTED; and

- (2) **JUDGMENT** is entered pursuant to Sentence Four of 42 U.S.C. § 405, providing that the decision of the Commissioner is respectfully **REVERSED**, and this case is hereby **REMANDED** to the Appeals Council pursuant to Sentence Four of 42 U.S.C. § 405(g), and consistent with this Judgment, the underlying Order, and Judge Cayer's Memorandum and Recommendation.

Signed: August 11, 2011



Max O. Cogburn Jr.
United States District Judge